

ASSEMBLY BILL

No. 852

Introduced by Assembly Member Fong

February 26, 2009

An act to amend Section 441 of the Revenue and Taxation Code, relating to taxation.

LEGISLATIVE COUNSEL'S DIGEST

AB 852, as introduced, Fong. Property taxation: statement.

Existing law requires taxpayers that meet certain criteria to file a signed property statement with the county assessor. Existing law authorizes the county assessor to refuse to accept any property statement that he or she determines to be in error and to accept the filing of a property statement by the use of electronic media.

This bill would authorize the county assessor to refuse to accept any property tax statement that is not in the requested format and to require the filing of a property tax statement by means of the California Assessors' Standard Data Record, in addition to the use of any other approved electronic media. This bill would require the State Board of Equalization to adopt equipment category codes, as specified, and would require taxpayers filing a property tax statement to use the equipment category codes, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 441 of the Revenue and Taxation Code
2 is amended to read:

1 441. (a) Each person owning taxable personal property, other
2 than a manufactured home subject to Part 13 (commencing with
3 Section 5800), having an aggregate cost of one hundred thousand
4 dollars (\$100,000) or more for any assessment year shall file a
5 signed property statement with the assessor. Every person owning
6 personal property that does not require the filing of a property
7 statement or real property shall, upon request of the assessor, file
8 a signed property statement. Failure of the assessor to request or
9 secure the property statement does not render any assessment
10 invalid.

11 (b) The property statement shall be declared to be true under
12 the penalty of perjury and filed annually with the assessor between
13 the lien date and 5 p.m. on April 1. The penalty provided by Section
14 463 applies for property statements not filed by May 7. If May 7
15 falls on a Saturday, Sunday, or legal holiday, a property statement
16 that is mailed and postmarked on the next business day shall be
17 deemed to have been filed between the lien date and 5 p.m. on
18 May 7. If, on the dates specified in this subdivision, the county's
19 offices are closed for the entire day, that day is considered a legal
20 holiday for purposes of this section.

21 (c) The property statement may be filed with the assessor
22 through the United States mail, properly addressed with postage
23 prepaid. For purposes of determining the date upon which the
24 property statement is deemed filed with the assessor, the date of
25 postmark as affixed by the United States Postal Service, or the
26 date certified by a bona fide private courier service on the envelope
27 containing the application, shall control. This subdivision shall be
28 applicable to every taxing agency, including, but not limited to, a
29 chartered city and county, or chartered city.

30 (d) (1) At any time, as required by the assessor for assessment
31 purposes, every person shall make available for examination
32 information or records regarding his or her property or any other
33 personal property located on premises he or she owns or controls.
34 In this connection details of property acquisition transactions,
35 construction and development costs, rental income, and other data
36 relevant to the determination of an estimate of value are to be
37 considered as information essential to the proper discharge of the
38 assessor's duties.

39 (2) (A) This subdivision shall also apply to an owner-builder
40 or an owner-developer of new construction that is sold to a third

1 party, is constructed on behalf of a third party, or is constructed
2 for the purpose of selling that property to a third party.

3 (B) The owner-builder or owner-developer of new construction
4 described in subparagraph (A), shall, within 45 days of receipt of
5 a written request by the assessor for information or records, provide
6 the assessor with all information and records regarding that
7 property. The information and records provided to the assessor
8 shall include the total consideration provided either by the
9 purchaser or on behalf of the purchaser that was paid or provided
10 either, as part of or outside of the purchase agreement, including,
11 but not limited to, consideration paid or provided for the purchase
12 or acquisition of upgrades, additions, or for any other additional
13 or supplemental work performed or arranged for by the
14 owner-builder or owner-developer on behalf of the purchaser.

15 (e) In the case of a corporate owner of property, the property
16 statement shall be signed either by an officer of the corporation or
17 an employee or agent who has been designated in writing by the
18 board of directors to sign the statements on behalf of the
19 corporation.

20 (f) In the case of property owned by a bank or other financial
21 institution and leased to an entity other than a bank or other
22 financial institution, the property statement shall be submitted by
23 the owner bank or other financial institution.

24 (g) The assessor may refuse to accept any property statement
25 he or she determines to be in error *or not in the requested format*.

26 (h) If a taxpayer fails to provide information to the assessor
27 pursuant to subdivision (d) and introduces any requested materials
28 or information at any assessment appeals board hearing, the
29 assessor may request and shall be granted a continuance for a
30 reasonable period of time. The continuance shall extend the
31 two-year period specified in subdivision (c) of Section 1604 for a
32 period of time equal to the period of the continuance.

33 (i) Notwithstanding any other ~~provision~~ of law, every person
34 required to file a property statement pursuant to this section shall
35 be permitted to amend that property statement until May 31 of the
36 year in which the property statement is due, for errors and
37 omissions not the result of willful intent to erroneously report. The
38 penalty authorized by Section 463 does not apply to an amended
39 statement received prior to May 31, provided the original statement
40 is not subject to penalty pursuant to subdivision (b). The amended

1 property statement shall otherwise conform to the requirements
2 of a property statement as provided in this article.

3 (j) This subdivision shall apply to the oil, gas, and mineral
4 extraction industry only. Any information that is necessary to file
5 a true, correct, and complete statement shall be made available by
6 the assessor, upon request, to the taxpayer by mail or at the office
7 of the assessor by February 28. For each business day beyond
8 February 28 that the information is unavailable, the filing deadline
9 in subdivision (b) shall be extended in that county by one business
10 day, for those statements affected by the delay. In no case shall
11 the filing deadline be extended beyond June 1 or the first business
12 day thereafter.

13 (k) The assessor may ~~accept~~ *require* the filing of a property
14 statement by ~~the use of means of the California Assessors'~~
15 *Standard Data Record (SDR) network or another approved*
16 *electronic media.* ~~In~~

17 (l) *In* lieu of the signature required by subdivision (a) and the
18 declaration under penalty of perjury required by subdivision (b),
19 property statements filed using electronic media shall be
20 authenticated pursuant to methods specified by the assessor and
21 approved by the board. Electronic media includes, but is not limited
22 to, computer modem, magnetic media, optical disk, and facsimile
23 machine.

24 ~~(t)~~

25 (m) (1) After receiving the notice required by Section 1162,
26 the manager in control of a fleet of fractionally owned aircraft
27 shall file with the lead county assessor's office one signed property
28 statement for all of its aircraft that have acquired situs in the state,
29 as described in Section 1161.

30 (2) Flight data required to compute fractionally owned aircraft
31 allocation under Section 1161 shall be segregated by airport.

32 ~~(m)~~

33 (n) (1) After receiving the notice required by paragraph (5) of
34 subdivision (b) of Section 1153.5, a commercial air carrier whose
35 certificated aircraft is subject to Article 6 (commencing with
36 Section 1150) of Chapter 5 shall file with the lead county assessor's
37 office designated under Section 1153.5 one signed property
38 statement for its personal property at all airport locations and
39 fixtures at all airport locations.

1 (2) Each commercial air carrier may file one schedule for all of
2 its certificated aircraft that have acquired situs in this state under
3 Section 1151.

4 (3) Flight data required to compute certificated aircraft allocation
5 under Section 1152 and subdivision (g) of Section 202 of Title 18
6 of the California Code of Regulations shall be segregated by airport
7 location.

8 (4) Beginning with the 2006 assessment year, a commercial air
9 carrier may file a statement described in this subdivision
10 electronically by means of the ~~California Assessor's Standard Data~~
11 ~~Record (SDR)~~ SDR network. If the SDR is not equipped to accept
12 electronic filings for the 2006 assessment year, an air carrier may
13 file a printed version of its property statement for that year with
14 its lead county assessor's office.

15 (5) This subdivision shall remain in effect only until December
16 31, 2010, and as of that date is repealed.

17 (o) (1) *On or before January 1, 2011, the State Board of*
18 *Equalization, in consultation with the California Assessors'*
19 *Association, shall adopt equipment category codes.*

20 (2) *On and after January 1, 2012, taxpayers filing a property*
21 *tax statement shall use the equipment category codes specified in*
22 *paragraph (1).*